

REMARKS

This application has been carefully considered in connection with the Examiner's Office Action dated September 15, 2006. Reconsideration and allowance are respectfully requested in view of the following.

Election/Restrictions

Claims 1-7, drawn to a marketplace for providing web services, classified in class 705, subclass 26.

Claims 8-24, drawn to a web service marketplace, classified in class 705, subclass 26.

Drawings

New corrected drawings are provided with the response herein.

Summary of Rejections

Claims 8-9, 11-12, 15-19 and 23-24 were rejected under 35 USC 102.

Claims 10, 13, 14, 20 and 22 were rejected under 35 USC 103.

Claim 16 was objected.

Summary of Response

Claims 1-7, 16, and 19 were canceled.

Claims 8, 10, 18, 21, and 22 were amended.

Claims 9, 11-15, 17, 20, 23, and 24 remain as originally filed.

Claims 25-33 are new.

Support for the new claims and the claim amendments may be found in at least paragraphs 0023, 0025, 0026, 0028, 0030, 0032, 0035, 0039, and 0040. No new matter has been introduced in the new claims or the amendments to the claims.

Summary of Claims Pending:

Claims 8-15, 17, 18, and 20-33 are currently pending following this response.

Explanation of Amendments to the Specification

All of the amendments to the specification were made in order to provide a consistent specification. No new matter was added. Support for the amendments to paragraphs [0032] and [0039] is established in either preceding description in the specification or the drawings. It is clear that the application as originally filed merely had a typographical error and the amendment in the specification has been made to correct this typographical error and provide consistent number of elements described in the specification.

Response to Election/Restrictions

During a telephone conversation on September 11, 2006 with Examiner Allen, Michael Piper and Steven Funk, Applicants elected to prosecute the invention of Group II, Claims 8-24. This election was made WITHOUT TRAVERSE. Claims 1-7, have been canceled.

Drawings

Applicants submit concurrently herewith, three (3) ***Replacement Sheets***, Figures 1 – 3. In particular, Applicants hereby submit inked drawings as suggested by the Examiner. The enclosed

Replacement Sheets supersede and replace the original drawings filed by Applicants on March 1, 2004.

Response to Claim Objections

In the Office Action dated September 15, 2006, Claim 16 was objected to under 37 CFR § 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Claim 16 has been canceled, rendering the objection moot.

Request for Additional Search

Applicants respectfully request that Examiner conduct a search of 705/80.

Response to Rejections

In the Office Action dated September 15, 2006, Claims 8-9, 11-12, 15-19 and 23-24 were rejected under 35 USC § 102(e) as being anticipated by Pallister (U.S. Patent Publication No. 2003/0195813). Claims 10, 13 and 20 were rejected under 35 USC § 103(a) as being unpatentable over Pallister (U.S. Patent Publication No. 2003/0195813) in view of Hartsell, et al. (U.S. Patent Publication No. 2002/0049608). Claims 14 and 22 were rejected under 35 USC § 103(a) as being unpatentable over Pallister (U.S. Patent Publication No. 2003/0195813 in view of Lao, et al. (U.S. Patent Publication No. 2003/0220880). Claim 21 was rejected under 35 USC § 103(a) as being unpatentable over Pallister (U.S. Patent Publication No. 2003/0195813 in view of Powers (U.S. Patent Publication No. 2002/0035521).

The present disclosure is directed to an electronic marketplace for enabling customers to purchase access to web services. The web services may be obtained by the customers in accordance with a quality of service identified with the web services. As disclosed in paragraph 0023, the quality of service may include a guarantee of the quality of information obtained from a web service. The quality of information may include the precision of data and the timeliness of data. As an example of timeliness, a web service may offer traffic reports, wherein a customer may require that updated traffic reports be provided within thirty seconds of a request in order to ensure the traffic report is current and accurate since a traffic report received an hour after a request may not be useful to a customer. Paragraph 0035 provides an example of using precision for a quality of service of a web service.

Further, as disclosed in at least paragraphs 0025 and 0039, in addition to enabling the purchase of web services, the electronic marketplace of the present disclosure also has as a proxy for passing request and response transactions between a customer and a web service provider to enable the use of the purchased web service. The use of the proxy provides many unique advantages over the prior art. Specifically, the proxy provides a customer with a central location to access a plurality of web services from a plurality of web service providers. As disclosed in at least paragraphs 0028 and 0040, the proxy may record quality of service elements of the transactions which may be useful to both the customer and the web service providers. The proxy also enables improved use of the web services by the customer. As disclosed in at least paragraph 0026, a customer may provide the use of a web service through a configuration of a web server. Since the use of the web service is enabled through the web server communicating with the proxy, then if the customer purchases the web service with another provider, a substantially similar configuration of the web server may be maintained to provide the use of the web service.

The rejections of record are rendered moot in light of the amendments and new claims presented herein. None of the prior art references of record teach or suggest a customer obtaining a web service in accordance with a quality of service which includes at least one of a precision or a timeliness of data obtained from the web service as is currently claimed in independent claim 8. While Pallister does disclose in paragraph 0020 to vary prices of web services in accordance with a volume of usage by a customer, there is no teaching or suggestion of using timeliness or precision of data as a quality of service metric. Also, Hartsell discloses in paragraph 0095 that a customer may program quality of service parameters for the delivery of content. Hartsell also discloses in paragraph 0101 that bandwidth may be used as a quality of service metric. Hartsell does not provide any teaching or suggestion of using timeliness or precision of data as a quality of service metric.

Further, none of the prior art references of record teach or suggest using a proxy in an electronic marketplace for communicating and recording transactions between a customer and a web service provider that enable the use of a web service as is currently claimed in independent claim 18. The closest teaching of record is provided by Pallister in paragraph 0030 which discloses that to engage service, “the potential customer 100 retrieves the address of the web service and binds the customer to the needed web service. In one embodiment, the web service is downloaded onto the customer’s platform. In another embodiment, the web service serves the customer remotely through a one-way request”. Similarly, Pallister discloses in paragraph 0032, “the engagement is achieved by having the customer retrieve the address of the web service and bind it to the needed web service”. Pallister’s disclosure of binding an address of the web service with the needed web service or downloading the web service does not provide any teaching or

suggestion of a proxy that communicating and records transactions between a customer and a web service.

Further, none of the prior art references of record teach or suggest obtaining a web service from a first provider and obtaining the web service from a second provider while maintaining a similar or the same configuration for providing a use of the web service as is currently claimed in independent claim 8 and new dependent claims 30 and 31.

In regard to Claims 9-15, 17, and 25-29, Applicant notes that each and every limitation has not been taught for at least the reasons detailed with regard to Claim 8.

In regard to Claims 20-24 and 30-33, Applicant notes that each and every limitation has not been taught for at least the reasons detailed with regard to Claim 18.

CONCLUSION

Applicants respectfully submit that the present application is in condition for allowance for the reasons stated above. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, he is encouraged to telephone the undersigned at (972) 731-2288.

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 21-0765, Sprint.

Respectfully submitted,

Date:

12/13/2006

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